



ZONING ADMINISTRATOR
NOTICE OF DECISION

Date: June 8, 2015
Applicant: United States Karate Academy (USKA)
Case No.: PCC-15-021
Address: 2445 Fenton Street, Building 8, Suite B
The Collection at Eastlake Business Center
Project Planner: Harold Phelps, AICP

Notice is hereby given that on June 8, 2015, the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-15-021, filed by Salvador Convento Managing Partner, Man in the Arena, LLC for the United States Karate Academy (USKA) ("Applicant"). The Applicant requests a CUP to establish a martial arts studio limited to 5 faculty members or employees and 15 students for individual and group instruction within an existing building suite ("Project"). The Project is located at 2445 Fenton Street, Building 8 Suite B ("Project Site") owned by Man in the Arena, LLC ("Property Owner"). The Project Site is zoned Business Commercial (BC-2) in the Eastlake II Sectional Planning Area (SPA) Plan. The General Plan Land Use Diagram designates the property as Limited Industrial.

Planning Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project was adequately covered in the previously adopted EIR 92-01 for the Eastlake II SPA Plan. No further environmental review or documentation is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030.A of the Chula Vista Municipal Code and the Eastlake II SPA plan, has been able to make the conditional use permit findings as required by CVMC Section 19.14.080:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or community.**

A martial arts studio will provide a necessary or desirable vocational education or training service to the community at this location. The proximity to the neighboring Eastlake residential community provides reduced transportation time for clients at a convenient location. Thus, this facility and the services it provides will contribute to the general well-being of the neighborhood and the community.

- 2. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety or general welfare of the residents or workers nor to property or improvements in the area. The characteristics of the proposed martial arts studio and its operation do not have features that could have detrimental effects to the surrounding businesses or residential neighborhoods in the area. All services will be provided interior to the premises of the building suite, and all required parking will be provided in parking spaces provided for the building. The use will be subject to meeting all health, safety and general welfare standards and regulations set forth by the City of Chula Vista.

3. That the use will comply with the regulations and conditions specified in the code for such use.

The granting of this CUP is conditioned to require the Applicant and Property Owner to fulfill conditions of approval and comply with all applicable regulations and standards specified in the Municipal Code, the California Building, Fire and other applicable codes. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and the subsequent operation of the business. Furthermore, the conditions of this permit are approximately in proportion to the nature and extent of the impact created by the project in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the project. The project will comply with all regulations and conditions specified for this permit.

4. That the granting of the Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

The General Plan designates the site Limited Industrial. The finding that the Project is consistent with the General Plan is met because the Conditional Use Permit is limited to a 3-year approval as a conditional use for a vocation school use located in a light industrial business center pursuant to the Eastlake II SPA Plan Planned Community District Regulations.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-15-021 as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirements:

1. Prior to the approval by the City of Chula Vista for the use the subject property in reliance on this approval, the Applicant/Representative and Property Owner shall execute this document by making a true copy of this letter of conditional approval and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development

Services Department. Failure to return the signed true copy of this document within 30 Days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner

Date

Planning Division

2. Construct and maintain the Project in accordance with the approved plans for PCC-15-021, date stamped approved on June 8, 2015, which includes site plan, parking table, floor plan, and architectural elevations, on file in the Planning Division, the conditions contained herein, and Title 19. Building 8 provides 31 parking spaces including 2 ADA accessible spaces. Required parking for Suite A is 13 parking spaces based on professional service requirements, and Suite B requires 8 parking spaces based on vocational school requirements and the application requesting a total of 5 faculty members or employees and 15 students.
3. Obtain building permits for the proposed tenant improvements and sign permits for the proposed building signage.

Fire Department

4. Obtain permits that comply with current California editions of the Building Code (CBC), Fire Code (CFC), and Mechanical Code (CMC) as adopted and amended by the State of California and the City of Chula Vista.

Building Division

5. Submit and obtain all necessary building plans necessary for a tenant improvement for an existing commercial space to accommodate a karate studio and obtain approval from the City of Chula Vista Building Division.

Engineering Division

6. Comply with engineering requirements set at the time development takes place and/or a building permit is applied for, depending upon final plans submitted for building permits.

Conservation Division

7. Provide solid waste, hazardous waste, and recycling disposal receptacles in compliance the Recycling and Solid Waste Planning Manual.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval:

8. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
9. The Applicant shall execute this Conditional Use Permit as the only authorized use. The authorized use consists of a martial arts studio limited to 5 faculty members or employees and 15 students for individual and group instruction within an existing building suite. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
10. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated below. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
11. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
12. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

13. This conditional use permit shall expire on June 8, 2020, five (5) years from the date of this Zoning Administrator approval. The Applicant may request an extension 30 days prior to expiration date from this conditional use permit approval. The Zoning Administrator shall review this use for compliance with the conditions of approval and any applicable codes and regulation, and shall determine, in consultation with the Applicant, whether the Project shall be modified from its original approval, denied or extended.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, the 8th day of June 2015.



Michael Walker, Zoning Administrator